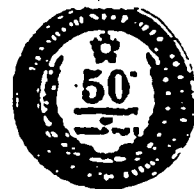




FORCE MANAGEMENT
POLICY

ASSISTANT SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000



FEB 6 1995

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR OF ADMINISTRATION AND MANAGEMENT
DIRECTORS OF DEFENSE AGENCIES

SUBJECT: Voluntary Service in Department of Defense

REFERENCE: The National Defense Act for Fiscal Year 1995 (Public Law 103-337,
Section 1061).

This directive-type memorandum assigns responsibilities and prescribes procedures for conducting a 6-month pilot program to accept voluntary services under the authority Congress provided in the National Defense Authorization Act for Fiscal Year 1995. Attached also are procedures implementing Section 1061 of that Act (Attachment 1), Pilot Sites for Volunteer Pilot Program (Attachment 2), and a copy of Section 1061 (Attachment 3).

In accordance with the referenced law, DoD will conduct a 6-month pilot program in both Active and Reserve components sites.

In order to conduct this pilot program, each Military Service or defense agency has designated locations where expanded authority to accept volunteers is authorized. These locations include Active component installations, National Guard state programs, and Reserve commands worldwide. At these designated locations, and only at these locations, procedures outlined in this memorandum will be tested for a period of 6 months. Army and Air Force will begin their pilot projects on February 1, 1995, and end on July 31, 1995. National Guard will begin their pilot projects on March 1, 1995, and end on August 31, 1995. Navy and Marine Corps will begin on April 1, 1995, and end on August 31, 1995. A report on the pilot program, as outlined below, will be forwarded to this office within 45 days of the completion of the test. This report will be compiled and forwarded to Congress within 60 days from conclusion of the pilot.

Secretaries of Military Departments will designate at least two pilot program sites per active major command, up to 10 sites for Reserve command participation, and up to 10 states or



territories for National Guard participation; monitor program implementation; and ensure reports are forwarded for inclusion in the report to Congress. Commanders at pilot program sites will designate a single point of contact to coordinate the 6-month pilot; monitor program implementation; and ensure required report data is collected. A designated point of contact will ensure that: 1. A clear description of duties is provided for each volunteer position. 2. A volunteer orientation and training program is instituted to familiarize volunteers with the organization and their duties. 3. A process is established to document the volunteer hours worked, jobs performed, training and recognition, and funds expended. 4. All volunteers sign an agreement outlining that the services they are providing are voluntary and that they are not, solely because of these services, an employee of the U.S. Government or any instrumentality thereof (except for certain purposes relating to tort claims and worker's compensation coverage with regard to incidents occurring during the performance of approved volunteer services). Volunteers will acknowledge that they will receive no present or future salary, wages, or related benefits as payment for these volunteer services (except reimbursable expenses as designated).

The Assistant Secretary of Defense (Force Management Policy) (ASD (FMP)) will monitor the pilot program through the DoD Family Policy Coordinating Committee (FPCC). The Deputy Assistant Secretary of Defense (Personnel Support, Families and Education), as representative of the ASD (FMP) and chair of the FPCC, shall identify pilot needs; provide liaison and coordination with the Military Secretariats and the Military Departments, and will prepare the required post-pilot report to Congress.

Each Military Department will forward a report of their pilot program to the Office of the Deputy Assistant Secretary of Defense (Personnel Support, Families and Education), 4000 Defense Pentagon, Washington, DC 20301-4000, via the Military Secretariats, by November 15, 1995. This report will contain: Number of Volunteers Participating in the Pilot (This number will reflect the total number of volunteers each month at each pilot site; volunteers may be counted more than one time if they donate their services to more than one agency.); Number of Volunteer Hours (This number will include both direct service and training hours as volunteer time; total number of hours by pilot site is requested.); Total Appropriated Funds Expended to Support Volunteers (Training & Reimbursable Expenses); Total Nonappropriated Funds Expended to Support Volunteers (Training & Reimbursable Expenses); Narrative which includes: a description of what programs used volunteers; benefits realized from expanded use of volunteers; and Recommendation on continuance of program.

This memorandum and its attachments are effective immediately. A DoD Directive governing Voluntary Services in the Department of Defense will be issued within 90 days of submission of the required report to Congress.


F. Pang

Attachments:
As stated

Procedures and Information for Conducting Pilot Programs

This attachment contains procedures and information for conducting pilot programs to accept expanded voluntary services.

For the purposes of this pilot program, the voluntary services that can be accepted are those listed in Section 1061 of the 1995 Defense Authorization Act.

At pilot sites, volunteers may be recruited and trained to provide services. Volunteers may be used to assist and augment the regularly funded workforce by performing an apportionment of a required function, but they cannot be used to totally or permanently substitute for unfilled positions or replace paid employees. Volunteers will not perform duties: which otherwise circumvents the Civil Service system; or for which funding has been provided to hire staff or obtain services by contract. All volunteers and activities where such volunteers serve shall comply with all applicable provisions of Section 1061 of the Defense Authorization Act.

Reimbursement of incidental expenses as designated by the Military Department Secretary may be made from appropriated or nonappropriated funds. Reimbursable expenses can include, but are not limited to the following expenses: child care, training, travel, telephone bills, and mileage. Refreshments and other food and beverages are not considered incidental reimbursable expenses.

Various kinds of support may be authorized by Military Department Secretaries to assist volunteers in performing their assigned service. These include, but are not limited to:

1. Use of Government facilities, to include dedicated office space, desks (or desk drawers if more than one volunteer uses the same desk), equipment, supplies, and telephones needed to accomplish assigned duties.
2. Use of official mail as deemed necessary and appropriate to maintain the morale, esprit and information flow.
3. Names, duty address or telephone numbers, and home addresses and telephone numbers of Service members and their family members may be disclosed to volunteers who have a need for the information in the performance of their assigned volunteer duties. Release of names, addresses, and telephone numbers to persons other than those who have a specific need in the course of official duties will be according to the Freedom of Information Act (FOIA) and the Privacy Act.
4. Military Department Secretaries may authorize volunteers to operate government-owned or -leased administrative vehicles. Those volunteers who operate the administrative vehicles should be screened through the national driver register, to the extent possible, to preclude those personnel with questionable driving records from operating government vehicles.

Volunteers will be recruited and their service accepted without regard to race, creed, religion, age, sex, color, national origin, marital status, or handicap. Each volunteer will be supervised by a Government employee, nonappropriated fund employee, military officer or noncommissioned officer, or by another volunteer who is so supervised and who is responsible for the work the volunteer is performing.

In accepting voluntary services, managers will ensure that neither they nor their paid or volunteer staff violate the provisions of DoD Directive 1400.33, "Employment and Volunteer Work of Spouses of Military Personnel," February 10, 1988.

§ 1588. Authority to accept certain voluntary services

- (a) Authority To Accept Services. - Subject to subsection (b) and notwithstanding section 1342 of title 31, the Secretary concerned may accept from any person the following services:
 - (1) Voluntary medical services, dental services, nursing services, or other health-care related services.
 - (2) Voluntary services to be provided for a museum or a natural resources program.
 - (3) Voluntary services to be provided for programs providing services to members of the armed forces and the families of such members, including the following programs:
 - (A) Family support programs.
 - (B) Child development and youth services programs.
 - (C) Library and education programs.
 - (D) Religious programs.
 - (E) Housing referral programs.
 - (F) Programs providing employment assistance to spouses of such members.
 - (G) Morale, welfare, and recreation programs, to the extent not covered by another subparagraph of this paragraph.
- (b) Requirements and Limitations. - (1) The Secretary concerned shall notify the person of the scope of the services accepted. (2) With respect to a person providing voluntary services accepted under subsection (a), the Secretary concerned shall -
 - (A) supervise the person to the same extent as the Secretary would supervise a compensated employee providing similar services; and
 - (B) ensure that the person is licensed, privileged, has appropriate credentials, or is otherwise qualified under applicable law or regulations to provide such services. (3) With respect to a person providing voluntary services accepted under subsection (a), the Secretary concerned may not -
 - (A) place the person in a policy-making position; or
 - (B) except as provided in subsection (e), compensate the person for the provision of such services.
- (c) Authority To Recruit and Train Persons Providing Services. - The Secretary concerned may recruit and train persons to provide voluntary services accepted under subsection (a).
- (d) Status of Persons Providing Services. - (1) Subject to paragraph (3), while providing voluntary services accepted under subsection (a) or receiving training under subsection (c), a person, other than a person referred to in paragraph (2), shall be considered to be an employee of the Federal Government only for purposes of the following provisions of law:
 - (A) Subchapter I of chapter 81 of title 5 (relating to compensation for work-related injuries).
 - (B) Section 2733 of this title and chapter 171 of title 28 (relating to claims for damages or loss).
 - (C) Section 522a (FOOTNOTE 1) of title 5 (relating to maintenance of records on individuals).

(FOOTNOTE 1) So in original. Probably should be section "552a".

- (D) Chapter 11 of title 18 (relating to conflicts of interest). (2) Subject to paragraph (3), while providing a nonappropriated fund instrumentality of the United States with voluntary services accepted under subsection (a), or receiving training under subsection (c) to provide such an instrumentality with services accepted under subsection (a), a person shall be considered an employee of that instrumentality only for the following purposes:
 - (A) Subchapter II of chapter 81 of title 5 (relating to compensation of nonappropriated fund employees for work-related injuries).
 - (B) Section 2733 of this title and chapter 171 of title 28 (relating to claims for

damages or loss). (3) A person providing voluntary services accepted under subsection (a) shall be considered to be an employee of the Federal Government under paragraph (1) or (2) only with respect to services that are within the scope of the services so accepted. (4) For purposes of determining the compensation for work-related injuries payable under chapter 81 of title 5 (pursuant to this subsection) to a person providing voluntary services accepted under subsection (a), the monthly pay of the person for such services shall be deemed to be the amount determined by multiplying -

- (A) the average monthly number of hours that the person provided the services, by
- (B) the minimum wage determined in accordance with section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

- (e) Reimbursement of Incidental Expenses. - The Secretary concerned may provide for reimbursement of a person for incidental expenses incurred by the person in providing voluntary services accepted under subsection (a). The Secretary shall determine which expenses are eligible for reimbursement under this subsection. Any such reimbursement may be made from appropriated or nonappropriated funds.

HQDA(CFSC-SP)

SUBJECT: Voluntary Services Pilot Program Expansion Army Wide

Appendix C

PARENTAL PERMISSION

I, (parent/guardian), give my permission for (name of child), to volunteer (name of agency/activity) on (date or days of week) from (time). I understand that these hours and services are being performed as a volunteer and that the above-named volunteer is not, solely because of these services, an employee of the United States Government or any instrumentality thereof (except for certain purposes relating to tort claims and workman's compensation coverage about incidents occurring during the performance of approved volunteer service). The above-named volunteer shall receive no present or future salary, wages, or related benefits as payment for these volunteer services. Tax deductions cannot be claimed for any expenses reimbursed.

(Signature of parent/guardian)

(date)

Figure C-1, Sample of Parental Permission

VOLUNTEER AGREEMENT FOR APPROPRIATED FUND ACTIVITIES

Part I

I desire to volunteer my services to the (organization/unit) on (anticipated hours/day(s) of week) at (MACOM/installation or other site).

I expressly agree that my services are being provided as a volunteer and that I am not an employee of the United States Government or any instrumentality thereof except for certain purposes relating to compensation for injuries occurring during the performance of approved volunteer services, liability for tort claims, the Privacy Act, and criminal conflict of interest statutes as specified in 10 U.S.C. Section 1588(d)(1). I expressly agree that I am neither entitled nor expect any present or future salary, wages, or other benefit for these voluntary services. I agree to be bound by the laws and regulations applicable to voluntary service providers, including the Privacy Act, and agree to participate in any training required by the organization to which I am volunteering, to enable me to perform the voluntary services that I am offering. Tax deductions cannot be claimed for any expenses reimbursed.

(typed or printed name and signature of volunteer) (date)

(volunteer SSN) (date of birth)

(typed or printed name and signature of accepting official) (date)

Figure C-2. Sample of Volunteer Agreement for Appropriated Fund Activities (Page 1)

HQDA(CFSC-SP)

SUBJECT: Voluntary Services Pilot Program Expansion Army Wide

Part II -- To be completed at volunteer's end of service

(volunteer's signature)

(termination date)

years (2,087 hours = 1 year

weeks

days

hours

(volunteer time donated

(typed or printed name and signature of supervisor)

(date)

Figure C-2. Sample of Volunteer Agreement for Appropriated Fund Activities (Page 2)

VOLUNTEER AGREEMENT FOR NONAPPROPRIATED FUND INSTRUMENTALITIES

Part I

I desire to volunteer my services to the (organization/unit) on (anticipated hours/day(s) of week) at (MACOM/installation or other site).

I expressly agree that my services are being provided as a volunteer and that I am not an employee of the United States Government or any instrumentality thereof, except for certain purposes relating to compensation for injuries occurring during the performance of approved volunteer services and liability for tort claims as specified in 10 U.S.C. Section 1588(d)(2). I expressly agree that I am neither entitled nor expect any present or future salary, wages, or other benefit for these voluntary services. I agree to be bound by the laws and regulations applicable to voluntary service providers, and agree to participate in any training required by the organization to which I am volunteering, to enable me to perform the voluntary services that I am offering. Tax deductions cannot be claimed for any expenses reimbursed.

(typed or printed name and signature of volunteer) (date)

(typed or printed name and signature of accepting official) (date)

Figure C-3. Sample of Volunteer Agreement for Nonappropriated Fund Activities (Page 1)

HQDA(CFSC-SP)

SUBJECT: Voluntary Services Pilot Program Expansion Army Wide

Part II -- To be completed at volunteer's end of service

(volunteer's signature)

(Termination date)

years (2,087 hours = 1 year

weeks

days

hours

(volunteer time donated)

(typed or printed name and signature of supervisor)

(date)

Figure C-3. Sample of Volunteer Agreement for Nonappropriated Fund Activities (Page2)